

Message Text

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ACTION SCI-03

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 5138

INFO AEC GERMANTOWN

C O N F I D E N T I A L IAEA VIENNA 8599

EO 11652: GDS

TAGS: PARM TECH IAEA

SUBJ: CONSULTATIONS WITH AIEA ON APPLICATION OF SAFEGUARDS

REF : IAEA VIENNA 8523

1. MISSION UNDERSTANDS THAT ROMETSCH, IAEA INSPECTOR GENERAL, HAS ASSIGNED BUECHLER AND SHARPE TASK OF ASSEMBLING INFO IN RESPONSE TO MISSION LETTER. HE HAS ALSO ASKED LEGAL DIVISION FOR ADVICE RE LIMITATIONS WHICH MAY APPLY TO DISCLOSURE OF INFO.

2. DURING COURSE INFORMAL DISCUSSION BY MISOFF WITH STEIN OF LEGAL DIVISION, HE STATED THAT ANALYSIS JUST BEGUN WILL ATTEMPT TO DEVELOP RATIONALE PERMITTING AGENCY TO DISCLOSE MORE INFO TO SECOND COUNTRY PARTY TO TRILATERAL THAN WOULD BE DISCLOSED IN CASE OF UNILATERAL SUBMISSION. AS NOTED IN INFORMAL DISCUSSIONS WITH USAEC GEN COUNSEL ROWDEN DURING RECENT GEN CONF, HOWEVER, STEING REMAINS CONFIDENT THAT AGENCY WILL CONCLUDE THAT CERTAIN INFO WILL BE CONSIDERED CONFIDENTIAL OR PROPRIETARY AND WILL THUS NOT RPT NOT BE APPROPRIATE FOR DISCLOSURE EVEN TO SECOND COUNTRY PARTY TO TRILATERAL.

3. ACCORDINGLY, MISSION SUGGESTS FOR CONSIDERATION IN CONNECTION WITH AGREEMENTS FOR COOPERATION CURRENTLY UNDER NEGOTIATION, AND IN FUTURE (OR IN CONNECTION RELATED TRILATERAL AGREEMENTS). THAT EXPLICIT AUTHORITY BE GIVEN TO IAEA BY OTHER GOVERNMENT CONCERNED, TO COMMUNICATE TO USG ALL INFO OBTAINED
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BY IAEA IN CONNECTION WITH IMPLEMENTATION OF SAFEGUARDS IN

OTHER COUNTRY. (SEE PARAS 13 AND 14, INFCIRC 66/REV. 2.)

4. WITH RESPECT TO THOSE COUNTRIES IN WHICH US SAFEGUARDS HAVE ALREADY BEEN SUSPENDED IN FAVOR OF TRILATERAL AGREEMENTS, MISSION FORESEES POSSIBILITY THAT EACH SUCH COUNTRY WILL NEED TO BE APPROACHED TO OBTAIN AUTHORITY FOR IAEA TO DISCLOSE TO USG ALL INFO OBTAINED IN IMPLEMENTATION OF SAFEGUARDS IN COUNTRY. WHETHER SUCH EXERCISE WILL NEED TO BE UNDERTAKEN WILL DEPEND UPON RESULTS AGENCY'S ANALYSIS AND EXTENT TO WHICH INFO AGENCY BELIEVES IT CAN DISCLOSE, WITHOUT SUCH EXPRESS PERMISSION, SATISFIES USG NEEDS.

5. IN OBTAINING AUTHORITY FOR IAEA TO DISCLOSE ALL INFO, IN EITHER NEW AGREEMENTS OR IN CONNECTION EXISTING AGREEMENTS, OTHER COUNTRY CONCERNED MAY CONDITION GRANT OF AUTHORITY TO AGENCY UPON RECEIPT BY COUNTRY OF ASSURANCE FROM USG THAT INFO DISCLOSED BY IAEA WILL BE TREATED AS PRIVILEGED INFO AND NOT RPT NOT FURTHER DISCLOSED.

6. RELEVANCE OF FOREGOING TO SITUATION WHERE USG SAFEGUARDS HAVE BEEN SUSPENDED BY NPT SAFEGUARDS AGREEMENT (EITHER DIRECTLY OR BY REPLACEMENT FOR TRILATERAL AGREEMENT) SHOULD ALSO BE EXAMINED. LABOWITZ

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